

**Thomas, Jenny**

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**From:** Wright, Felicia  
**Sent:** Monday, February 25, 2013 2:04 PM  
**To:** McInnis, Marissa; Stoddard, Jamey; Bell, Jessica; Edgell, Joe; Kaiser, Russell; Evans, David; Thomas, Sally  
**Cc:** Koslow, Karin; Soderlund, Dianne  
**Subject:** RE: Quick Discussion on prepping for April meeting with Tyonek Village (see description below)  
**Attachments:** Comments on Russ Kaiser notes FWdocx.docx

Here are a few additions that I made to (OWOW) Russ's notes from the meeting—as FYI  
Felicia

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**From:** McInnis, Marissa  
**Sent:** Monday, February 25, 2013 1:50 PM  
**To:** Wright, Felicia; Stoddard, Jamey; Bell, Jessica; Edgell, Joe; Kaiser, Russell; Evans, David; Thomas, Sally  
**Cc:** Koslow, Karin; Soderlund, Dianne  
**Subject:** RE: Quick Discussion on prepping for April meeting with Tyonek Village (see description below)

All,

Below are the cut and pasted internal notes that were drafted after our last meeting with Tyonek Village. We will walk through the action items during our call- no need to review beforehand. Please note that these are internal and not for distribution.

Thanks and talk to you in a few minutes!

~Marissa

## Meeting Notes

**Background:** On Oct 3, 2012, the Vice President (Mr. Randy Standifer) of the Native Village of Tyonek and his representatives met with the US EPA to discuss their concerns with the proposed Chuitna Coal Mine project. Notes: The Native Village of Tyonek is located approximately 12 miles southeast of the Beluga Coal Field, the proposed location of the Chuitna Coal Mine and is opposed to this mine.

**Proposed Project Discussion:** The proposed mine would result in the extraction of low-sulfur coal from the Beluga Coal Field over a projected 25-year mine life, with the production rate of up to 12 million tons of coal per year for export. This is the largest coal mine in Alaska history. Due to the 402 delegation to the state of Alaska, the proposed project and the SEIS is being managed by the USACE under CWA Section 404 authorities.

### **Potential Impacts:**

- Mine site is a headwater location where large wetland complexes supply water to streams in three salmon-bearing drainages that support subsistence, sport, and commercial fisheries.
- Mine would directly remove (to a *maximum* depth of 300 feet) approximately 4,000 acres of peat wetlands and impact *13.8* miles of stream channel, including headwater streams.

*The exact acreage of wetland impacts has not been established at this point, but it is in the thousands (2-3k), although maybe not as high as 4k (total mine area is 5k, with roughly 50% being identified as wetlands)*

### **Village Concerns Raised:**

- Vice President Standifer and team stated that the Corps is not giving tribal interests appropriate consideration in the NEPA process; they believe that many sites that are eligible for listing on the National Register are being overlooked and not properly evaluated - there are also many gaps in the analysis. They believe the Corps is prematurely moving forward with the process in establishing a Programmatic Agreement for treatment purposes with the State Historic Preservation Office/National Historic Preservation Office.

*NOTE: After extensive cultural resource investigations between 2006-2009, EPA recommended and the State concurred that identified resources constituted an archaeological district (the Chuitn'u Archaeological District). This is now a formal designation and the site is afforded protection under the NRHP. Now that the Corps is the lead, the tribe would like to see additional investigations and the district listed using additional criteria under the National Historic Preservation Act.*

- Vice President Standifer and team indicated that they have great concern that the proposed restoration project will not work due to it being the first of its kind. (They are dredging in headwater streams to a depth of approximately 300 feet in headwater streams and have proposed to restore hydrology such that it would mimic the natural setting.) Note that EPA also has similar concerns and we are working with the Corps to resolve our issues. Tribe representatives also indicated that NOAA has decided to not be a cooperating agency based on their concerns regarding the restoration and the potential associated damages that could result.

*This is the first I had heard of NOAA declining participation due to concerns over restoration and impacts. In their letter to R10 declining cooperating agency status in 2006, NOAA cited resource considerations.*

**Village Questions:** They wanted to know what they could do to support us; they wanted to know more about the elevation processes and if they could be used for the project; and they inquired if a watershed assessment could be done for this project similar to that of the Bristol Bay Assessment.

**Village Recommendations:** They strongly urged the EPA to provide oversight in the process and encouraged us to use our elevation processes, as appropriate.

**Summary Points Provided by Administrator Jackson:**

- We need to ensure that you are present at the table and are actively engaged in the process. Therefore, we need to ensure that you have access to the available science and other relevant information. We need to continue to closely coordinate on the action, as per our MOU.
- We need to ensure that we understand all concerns and proposed mitigation measures.
- We need to ensure that the process is followed for decision-making purposes.
- With respect to the Pebble project, this project is separate. Pebble is in a much different type of setting than the proposed project and is undergoing a very unusual process. Watershed assessments are rare for the EPA. Generally, we will strive to find a middle ground that accommodates the project applicant with protective measures put in-place for the environment. However, there are certain circumstances that warrant elevations and we will ensure that we are closely engaged in this process.

Marissa McInnis

Communications

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**From:** McInnis, Marissa

**Sent:** Thursday, February 14, 2013 5:41 PM

**Required:** McInnis, Marissa; Wright, Felicia; Stoodard, Jamey; Bell, Jessica; Edgell, Joe; Kaiser, Russell

**Optional:** Silver, Edna; Chase, JoAnn; Koslow, Karin

**Subject:** Quick Discussion on prepping for April meeting with Tyonek Village (see description below)

**When:** Monday, February 25, 2013 2:00 PM-3:00 PM.

**Where:** DCROOMRRB31107-1, DCROOMRRB31107-2

**Meeting Purpose:** To quickly touch base on follow up actions from our last meeting with Tyonek Village, and to discuss any potential new issues that DA Perciasepe and EPA senior leadership will need in advance of April meeting. Please feel free to invite other staff-level folks that should be involved. Thanks!

## **GOVERNMENT-TO-GOVERNMENT**

### **MEETING REQUEST**

**FROM:** NATIVE VILLAGE OF TYONEK (NVT)–IRA COUNCIL--TYONEK

**ATTENDEES:** NVT Vice President Randy Standifer II, Heather Kendall–Miller/Senior Staff Attorney/Native American Rights Fund (NARF) and Rob Rosenfeld/NARF Consultant.

**REQUEST TO MEET WITH:** Acting Administrator Bob Perciasepe, Nancy Stoner, David Evans, Joanne Chase, Bicky Corman, Denise Keehner, and Russell Kaiser

**WHEN:** April 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>, 2013

**WHERE:** WASHINGTON D.C.

**CONTACT:** Rob Rosenfeld, [robrosev@gmail.com](mailto:robrosev@gmail.com) or [\(907\)388-2683](tel:907388-2683)

**PURPOSE:** To continue discussions on the status of the permitting process of the proposed Chuitna Coal Mine which plans to remove 13.8 miles of healthy salmon tributary for what could become the largest coal mine in Alaska history. The intent of our request is to keep interested parties informed about recent developments, maintain an open dialogue, and to encourage each federal agency to continue to delegate appropriate personnel and resources to effectively evaluate and assess the proposed mine.

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We sincerely thank you for your consideration of our meeting request:

**Federal Agency Contacts:**

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Regional Administrator's Office, RA-140

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**For More Information**

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